

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

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U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CARL MARSHALL)
#110574)
PLAINTIFF) CASE NO. 2:06CV1131-MHT
VS.)
RICHARD ALLEN, et al.)
DEFENDANTS)

PLAINTIFF'S MOTION TO AMEND COMPLAINT
MOTION TO SEEK LEAVE TO AMEND

COMES NOW CARL MARSHALL AND FILES THE ABOVE
STYLE MOTION. PLAINTIFF PURSUANT TO FEDERAL
RULES OF CIVIL PROCEDURE, RULE 15, AND FOR
SPECIFIC SEEKS A ORDER FROM THE HONORABLE
Judge TO GRANT THE ABOVE MOTION.

MARSHALL IS CONFINED AT RED BARK HONOR
FARM A SECURITY LEVEL II FACILITY WHICH
HOUSE INMATES WHO PERFORM COMMUNITY SERVICE,
COMMUNITY WORK BY ALABAMA STATUTE. ALABAMA
DEPARTMENT OF CORRECTIONS BY COMMISSIONER
RICHARD ALLEN PROMULGATE REGULATIONS, AND

ALABAMA STATUTE OF LAWS FOR INMATES, AND STATE EMPLOYEES TO FOLLOW.

MARSHALL FOR DATE, ON OR ABOUT NOVEMBER 2006 FOLLOWED WRITTEN ORDERS GIVEN BY COMMISSIONER ALLEN FOR ORDERING A INMATE CHRISTMAS PACKAGE.

MARSHALL PRIOR TO NOVEMBER 2006 ASSISTED SEVERAL INMATES AT RED EAGLE IN REFERENCE TO CONDITIONS WHICH VIOLATE UNITED STATES CONSTITUTION. IN FACT MARSHALL MADE A VALUED ORAL COMPLAINT ABOUT CONDITIONS AT RED EAGLE UNDER 1ST, 6TH, 8TH, AND 14TH AMENDMENT VIOLATIONS. MARSHALL AFTER EXERCISING UNITED STATES CONSTITUTIONAL RIGHTS WAS RETALIATED AND RECEIVED CRUELTY BY UNWRITTEN POLICY.

MARSHALL FILED A SECTION 1983 COMPLAINT IN REFERENCE TO UNITED STATES CONSTITUTIONAL VIOLATIONS WHICH EXIST AT RED EAGLE HONOR FARM. MARSHALL SEEKS LEAVE TO AMEND TO STATE EACH AND EVERY CLAIM AND DEFENDANT. THIS FOLLOWING:

DEFENDANTS TO BE ADDED

1. LT. LANE 1290 RED EAGLE RD. MONTGOMERY, AL. 36116
2. LT. NAZLE - SAME ADDRESS ABOVE
3. COZ. ODOM - SAME ADDRESS ABOVE
4. KIM THOMAS - P.O. BOX 301501 MONTGOMERY, AL. 36130

CLAIM ONE: FIRST, SIXTH, FOURTH, AND FOURTEENTH CONSTITUTION VIOLATION. RETALIATION FOR USE OF ACCESS TO COURT.

FACTS: MARSHALL FROM THE WRITTEN ORDERS WRITTEN BY COMMISSIONER RICHARD ALLEN FROM NOVEMBER 2006 FOR ORDERING A CHRISTMAS PACKAGE DED SO, AND AT ALL TIMES COMPLIED WITH WRITTEN POLICY.

MARSHALL SUBMITTED A FULL PURCHASE ORDER FORM AND GAVE THE ORDER TO WARDEN HADLEY'S BUSINESS MANAGER. THE ORDER WAS FILLED, FUNDS TAKEN BY AND THROUGH WARDEN CHARLES HADLEY, CAPTAIN J. WOMBLE, AS THE FULL AUTHORIZATION OF COMMISSIONER ALLEN'S ORDERS STATED.

MARSHALL AFTER FILING VALID COMPLAINTS, AND ASSISTING OTHERS WITH CLASSIFICATION, UNHEALTHY LIVING CONDITIONS, RACIAL DISCRIMINATION, RACIAL FAVORISM, AND ILLEGAL ACTS DONE BY RED EAGLE SUPERVISORS AND SEVERAL EMPLOYED OFFICERS. MARSHALL AFTER USING THE FIRST, AND SIXTH AMENDMENT RIGHT WAS ISSUED A WRITTEN CITATION UNDER AR# 414.

DEFENDANTS WOMBLE, LT. LANE, LT. NAZLE, AND WARDEN HADLEY USED THE COLOR OF STATE LAW TO CONSPIRE TO DEPRIVE MARSHALL OF A FULL APPROVED CHRISTMAS PACKAGE CONTRARY TO WRITTEN POLICY. COMMISSIONER ALLEN IS RESPONSIBLE TO MARSHALL PURSUANT TO AR# 208, AND

SUBORN OATH BY STATE LAW TO UPHOLD THE CONSTITUTION.

CAUSE OF ACTION ONE

1. DEFENDANTS USED STATE LAW TO CONSPIRE AGAINST MARSHALL TO RETALIATE AGAINST MARSHALL FOR ASSISTING OTHER INMATES AT RED EAGLE HONOR FARM. UNDER COLOR OF STATE LAW EACH DEFENDANT RETALIATED IN BAD FAITH, UNDER FULL INTENT, WILLFULLY, AND KNOWINGLY. MARSHALL'S USE OF RED EAGLE'S LAW LIBRARY TO DO LEGAL RESEARCH TO DRAFT LEGAL DOCUMENTS UNDER THE 1ST AND 6TH AMENDMENTS. COMMISSIONER ALLEN CREATED UNDER STATE LAW A SIXTH AMENDMENT RIGHT FOR MARSHALL TO USE RED EAGLE'S LAW LIBRARY COMPUTER, COMPUTER PRINTER UNDER ACCESS TO COURT.
2. DEFENDANTS USED THE COLOR OF STATE LAW TO RETALIATE AGAINST MARSHALL TO KNOWINGLY VIOLATE MARSHALL'S CONSTITUTIONAL RIGHTS OF THESE UNITED STATES. DEFENDANTS ALLEN, HADLEY, WUMBLE, LANE, AND NAZLE'S USED UNWRITTEN POLICY TO CONSPIRE TO TAKE FUNDS, AND CHRISTMAS PACKAGE FROM MARSHALL. FULL WRITTEN POLICY, FULL PLAIN LANGUAGE, AND MANDATORY LANGUAGE PUBLISHED BY DEFENDANT ALLEN STATING THAT ALL INMATES "MUST" AND "WILL" RECEIVE A CHRISTMAS PACKAGE. DEFENDANTS AFTER MARSHALL'S ACTS DONE UNDER UNITED STATES CONSTITUTION 1ST, 6TH, AND 14TH AMENDMENT TO SPEAK OUT AND FILE COMPLAINTS ABOUT UNCONSTITUTIONAL LIVING CONDITIONS WAS RETALIATED AND PUNISHED CRUELLY BY UNAUTHORIZED, UNWRITTEN POLICY.

3. MARSHALL STATE A CAUSE OF ACTION where ALL NAMED DEFENDANTS HAVE ACTED UNDER COLOR OF STATE LAW TO OBBRIUE, RETALIZATE, AND DISREGARD WRITTEN ORDERS TO KNOWINGLY VIOLATE PROTECTED CONSTITUTIONAL RIGHTS UNDER THE 1ST, 4TH, 6TH, 8TH, AND 14TH AMENDMENT OF THESE UNITED STATES.
4. MARSHALL HAS A CLAIM TO WHICH RELIEF EXIST BY UNITED STATES CONSTITUTION 1ST AMENDMENT AND 8TH AMENDMENT. THE RIGHT TO FILE PROPER AND VALID COMPLAINTS UNDER ADMINISTRATIVE, AND STATE LAW WITHOUT ILLEGAL UNAUTHORIZED ACTS OF RETALIATION AND PUNISHMENT.
5. MARSHALL HAS A CLAIM TO WHICH RELIEF EXIST BY UNITED STATES CONSTITUTION UNDER THE SIXTH AMENDMENT TO ADDRESS THE COURTS WITHOUT RETALIATION AND CHURTY.
6. MARSHALL HAS A CLAIM where HIS PACKAGE WAS TAKEN FOR exercising each UNITED STATES CONSTITUTIONAL RIGHT 1ST, 6TH, AND 14TH AMENDMENT DONE BY DEFENDANTS UNDER COLOR OF STATE LAW.

RELIEF ACTION ONE

1. MARSHALL SEEKS ALL COURT COST TO BE PAID BY DEFENDANTS. THE SUM OF \$350.00 TO BE PAID BY DEFENDANTS AND ALL MONEY TAKEN PLACED BACK IN MARSHALL'S ACCOUNT.
2. MARSHALL SEEKS DECLARATORY JUDGMENT TO BE AWARDED

- (A) TO DECLARE THE ACTS DONE BY DEFENDANTS UNDER RETALIATION TO BE IN VIOLATION OF MARSHALL'S CONSTITUTIONAL RIGHTS FOR THE 1ST, 4TH, 6TH, 8TH, AND 14TH AMENDMENT.
- (B) TO DECLARE THE ACTS DONE BY DEFENDANTS TO VIOLATE PUBLISHED WRITTEN ORDERS TO BE IN VIOLATION OF MARSHALL'S CONSTITUTIONAL RIGHTS, MARSHALL IS ENTITLED TO HAVE FULL DUE PROCESS IN APPLICATION OF WRITTEN REGULATIONS.
3. MARSHALL SEEKS FULL COMPENSATION FOR ALL EXPENSES, AND MENTAL ANGUISH WHICH DEFENDANTS DID DELIBERATELY.
4. MARSHALL SEEKS RIGHTS TO SETTLE THIS ACTION BY AND THROUGH THE HONORABLE COURT WITH DEFENDANTS.
5. MARSHALL SEEKS RIGHTS FOR FULL DISCOVERY.
6. TO ANY AND ALL RELIEF TO WHICH MARSHALL IS ENTITLED.

CLAIM TWO: SIXTH AMENDMENT VIOLATION
DENIAL OF ACCESS TO COURT. RETALIATION DONE
BY STATE OFFICIALS UNDER COLOR OF STATE LAW

1. DEFENDANT KIM THOMAS IS ATTORNEY FOR STATE OF ALABAMA TAKING AND USING HER STATE OFFICE TO CONSPIRE WITH HADLEY, ODOM, WOMBLE, AND NAZZE TO DENY A STATE AND FEDERAL CREATED RIGHT UNDER STATE LAW. DEFENDANTS HAVE USED THEIR STATE LAW AUTHORITY TO REMOVE THE ESTABLISHED,

COMPUTER EQUIPMENT FROM RED EAGLE LAW LIBRARY.

2. DEFENDANT ALLEN PROVIDED FULL COMPUTER ACCESS TO MARSHALL AND ALL OTHER INMATES HOUSED AT RED EAGLE FOR USE OF STATE EQUIPMENT. MARSHALL HAS BEEN RETALIATED AGAINST BY THOMAS, HADLEY, WOMBLE, ODOM, AND NAILE FOR ASSISTING OTHER INMATES, AND FOR FILING COMPLAINTS AGAINST STATE OFFICIALS.

3. MARSHALL FROM NOVEMBER 2006 TO PRESENT DATE HAS BEEN THE SUBJECT OF RETALIATION BY EACH NAMED DEFENDANT FOR EXERCISING HIS 1ST AND 6TH AMENDMENT RIGHT UNDER THE CONSTITUTION.

4. DEFENDANTS HAVE MADE RACE THE PROXIMATE CAUSE OF RETALIATION, AND DISCRIMINATION. MARSHALL IS AFRICAN AMERICAN, AND DEFENDANTS HAVE OPENLY USED RACE TO PREVENT AND DENY ALL AFRICAN AMERICAN INMATES THE SAME UNDER ALABAMA LAW TO WHICH THEY OPENLY PROVIDE ALL WHITE INMATES AT RED EAGLE UNDER ACCESS TO COURT.

DEFENDANTS WHO HAVE MADE RACE THE PROXIMATE CAUSE ATTORNEY ALLEN THOMAS, WARDEN CHARLES HADLEY, JOSEPH WOMBLE, LT. NAILE, AND CO. S. ODOM WHO HAVE REMOVED PRINTER FROM COMPUTER FOR TYING ACCESS. REMOVED KEY WORD PHRASE SYSTEM FROM COMPUTER. REMOVED CASE RESEARCH BY REMOVAL OF

Typing Board, word Selector, AND Computer HARDWARE EQUIPMENT.

5. MARSHALL'S CREATED RIGHTS UNDER THE 4TH, 6TH, 8TH, AND 14TH AMENDMENT BEING VIOLATED UNDER A FULLY OPERATIONAL LAW LIBRARY BY WRITTEN Policy AR # 412 UNDER ALABAMA STATUTE, WHICH COMMISSIONER ALLEN ESTABLISHED FOR ADEQUATE ACCESS TO COURT.

RELIEF ACTION TWO

1. THE COURT TO SERVE EACH DEFENDANT WITH A COPY OF THE SUMMONS AND COMPLAINT.
2. MARSHALL SEEKS A FULL ORDER TO BE ENTERED BY COMMISSIONER ALLEN TO ENFORCE AR # 412 AND TO RESTORE THE USE OF COMPUTER, AND SUPPLIES FOR ALL INMATES ACCESS TO COURT NEEDS.
3. MARSHALL SEEKS FULL EXPENSES TO BE TAXED AGAINST EACH NAMED DEFENDANT WHO HAVE ACTED IN BAD FAITH, INTENTIONALLY, AND KNOWINGLY TO VIOLATE CLEARLY ESTABLISHED WRITTEN Policy OF ADOC PRISON COMMISSIONER.
4. MARSHALL SEEKS INJUNCTIVE RELIEF. THE COURT TO ORDER A FULL INVESTIGATION TO BE DONE OF RED EAGLE LAW LIBRARY AND REPORT OF ALL EQUIPMENT AND ITS FUNCTIONS FOR ADEQUATE ACCESS NEEDS

5. MARSHALL Seeks DECLARATORY Judgment to Be Awarded
- (A) to DECLARE ALL RETALIZATION DONE BY DEFENDANTS to BE IN VIOLATION OF the CONSTITUTION.
 - (B) to DECLARE ALL RACIAL DISCRIMINATION to BE IN VIOLATION OF the CONSTITUTION.
6. To ANY AND All Relief to which MARSHALL is entitled.

ACTION THREE: VIOLATION OF 8TH, AMENDMENT, AND STATE LAW, WITH UNITED STATES CONSTITUTION VIOLATIONS 1ST, 6TH, 8TH, AND 14TH AMENDMENT LIVING CONDITIONS

MARSHALL IS HOUSED AT RED EAGLE HONOR FARM A STATE CORRECTION FACILITY COMING UNDER STATE AND FEDERAL LAWS FOR BUILDING HEALTH CODES, AND FIRE CODE.

MARSHALL IS UNDER STATE LAW PROVISIONS BY WRITTEN STATE STATUTES, ADMINISTRATIVE REGULATIONS, AND FEDERAL STATUTES.

DEFENDANTS ARE INTENTIONALLY, KNOWINGLY, WILLFULLY, AND ACTS UNDER BAD FAITH TO VIOLATE WRITTEN STATE LAWS TO WHICH THEY SWORE UNDER OATH TO UPHOLD BOTH STATE AND FEDERAL.

STATE HEALTH LAW VIOLATIONS. DEFENDANTS HOUSING INMATES IN OVERCROWDED DORMS FOR LIVING

CONDITIONS. DEFENDANTS HOUSE OVER 130 INMATES PER DORM WITH ONLY 4 SHOWERS / URINAL AND 4 TOILETS. DEFENDANTS FAIL TO PROVIDE ADEQUATE AND PROPER SHOWERS AND BATHROOM FACILITIES FOR THE NUMBER OF INMATES PER DORM, TOTALING OVER 330 INMATES HOUSED AT RED EAGLE.

1. DEFENDANTS ARE INTENTIONALLY EXPOSING ALL HOUSED TO STATE HEALTH LAW VIOLATIONS
2. DEFENDANTS ARE INTENTIONALLY EXPOSING ALL HOUSED TO STATE FIRE CODE VIOLATIONS
3. MARSHALL'S CONSTITUTIONAL RIGHTS UNDER THE 8TH AMENDMENT RISING TO SERIOUS THREAT OF DEATH FOR EXPOSURE TO CONTAGIOUS DISEASE, AND SPREAD OF CONTAGIOUS DISEASES.
4. MARSHALL'S CONSTITUTIONAL RIGHTS UNDER THE 8TH AMENDMENT RISING TO SERIOUS, AND THREAT OF DEATH AT ALL TIMES FOR KNOWINGLY CREATING FIRE CODE VIOLATIONS, AND STATE FIRE LAW VIOLATIONS.
5. MARSHALL DUE TO OVERCROWDED CONDITIONS CAN'T RECEIVE THE BENEFITS OF WRITTEN REGULATIONS PUBLISHED BY COMMISSIONER. DEFENDANTS USING COLOR OF STATE LAW TO DENY INCENTIVE PACKAGES, CLASSIFICATION, ACCESS TO COURT, CLEAN HEALTHY DORMS, PROPER MEDICAL CARE AND EMERGENCY MEDICAL CARE.

RELIEF ALL ACTIONS SPECIFIC

1. MARSHALL'S HEALTH UNDER HYPERTENSION - BLOOD PRESSURE, MENTAL ANGUISH, STRESS, AND ACTUAL MEDICAL CONDITION HAS BEEN DAMAGED. MARSHALL WAS TAKEN TO HELBY WHERE MEDICAL DOCTOR HAS HAD TO INCREASE MEDICATION FOR BLOOD PRESSURE AND STRESS. MARSHALL SEEKS THE FULL SUM OF TEN THOUSAND DOLLARS EACH NAMED DEFENDANT.
2. MARSHALL SEEKS A FULL COURT ORDER FOR COMMISSIONER ALLEN AND ALL NAMED DEFENDANTS TO PROVIDE A SPECIAL REPORT WITH EXHIBITS, AR# 412, RED EAGLE SOP FOR LAW LIBRARY, LEGAL SUPPLIES ISSUED FOR 2006 AND 2007, THE FIRE EXIST PLAN, FIRE MARSHALL INSPECTION REPORT, STATE HEALTH INSPECTION, AND ALL EXHIBITS FOR RESTROOM FACILITIES.
3. MARSHALL SEEKS DECLARATORY JUDGMENT.
4. THE COURT TO ISSUE AN ORDER FOR ATTORNEY KEM THOMAS DEFENDANT TO PRODUCE STATE WIDE POLICY TO WHICH HE PERSONALLY ENFORCED FOR INMATES ACCESS TO COURT UNDER ADOC COMPUTER SYSTEM.
5. MARSHALL SEEKS ALL RIGHTS TO AMEND THE COMPLAINT FOR SPECIFIC DAMAGES TO BE AWARDED, AND TO RELATE TO CLAIM.
6. TO ANY AND ALL RELIEF TO WHICH PLAINTIFF IS ENTITLED.

OATH OF AFFIRMATION

I SWEAR under the PENALTY of PERJURY THAT I HAVE SUFFERED UNITED STATES CONSTITUTIONAL VIOLATIONS, WHICH ARISE FROM AND DIRECTLY DUE TO MARSHALL'S HIDING, AND ASSISTING OTHERS WITH LIVING CONDITIONS, CLASSIFICATION, AND ACCESS TO COURT NEEDS.

I SWEAR THAT WRITTEN REGULATION WAS PREPARED, PUBLISHED, AND POSTED WITH MANDATORY LANGUAGE BY COMMISSIONER ALLEN FOR MARSHALL'S EQUAL PROTECTION TO RECEIVE A CHRISTMAS PACKAGE. THE FULL SWORN OATH IS TRUE AND CORRECT THAT DEFENDANTS USED THEIR COLOR OF STATE LAW TO RETALIATE, DEPRIVE, AND CONSIDERED TO DENY MARSHALL CREATED WRITTEN POLICY.

I DECLARE under the PENALTY of PERJURY THAT THESE (3) THREE CLAIMS ARE TRUE AND CORRECT. DONE THIS 25TH DAY OF JANUARY 2006. By My Signature Below.

RESPECTFULLY

CARL MARSHALL
1290 RED EAGLE ROAD
MONTGOMERY, AL. 36110

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36104

